IN THE U.S. PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:

APPELLANT: Peter Dam Nielsen

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TITLE: MODIFYING A DATABASE COMPRISING IMAGE FIELDS

Mail Stop Appeal
Commissioner for Patents
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APPELLANT'S BRIEF ON APPEAL

This is an appeal from the Final Office Action dated December 7, 2009. A Response to Final Office Action was filed February 12, 2010. In response to the Advisory Action mailed March 8, 2010, a Notice of Appeal was filed on April 07, 2010. This Appeal Brief is herewith filed within two months of the filing of the Notice of Appeal. As such, Appellant believes that no petition for an extension of time is necessary and no extension of time fee is due. However, should Appellant be mistaken, please consider this paper as a petition for a suitable extension of time. Appellant believes that a $ 540 fee for filing an Appeal Brief to be due. If there are any deficiencies in payment, please charge deposit account no.: 50-1924 for any deficiency.

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(1) REAL PARTY IN INTEREST

The real party in interest is Nokia Corporation of Espoo, Finland.

(2)   RELATED APPEALS AND INTERFERENCES

The undersigned attorney is not aware of any related appeals or interferences.

(3)   STATUS OF CLAIMS

Claims 8-11, 13, 14, 20, and 29-37 have been Finally Rejected.

The status of the claims is as follows:

Claims allowed: none

Claims objected to: none

Claims rejected: 8-11, 13, 14, 20, and 29-37.

Claims canceled: 1-7, 12, 15-19, and 21-28.

(4) STATUS OF AMENDMENTS AFTER FINAL

There has been one response, but no amendment proffered after the Final Office Action and a Request for Pre-Appeal Brief Review. The response after final was filed on February 12, 2010. The Patent Office mailed an advisory action on March 8, 2010 and a second, corrective advisory action on March 29, 2010.

(5)   SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's exemplary embodiments of the invention represent a new way of thinking based on the insight that in many cases the user will take a picture for the sole purpose of associating it with a database entry, without having to separately store it in a photo album or Gallery first. Indeed, already the camera control software application has been built with a feature that offers the direct, immediate, and automatic option of associating the newest taken picture with a database entry. This is not just having a machine do what was previously done by hand, because a similar operation was not previously done by hand at all. Appellant's exemplary embodiments of the claimed invention represent a new technique for utilizing the possibilities derived from electronic filing handling, something not offered by manual file handling or manual picture taking.

Claim 31 recites as follows: An apparatus {10} comprising: a camera control software application {**page 6, lines 6-10**}; a database software application {**page 5, lines 11-16**}; an image viewing software application {**page 4, lines 30-31**}; a digital camera {**12**}; an input including soft keys {**14**}; a memory {**20**} configured to store the database, camera control software application, the database software application, and the image viewing software application; a display {**16**} configured to provide a user interface; and a processor {**8**} configured to control the digital camera and the display, configured to access the memory {**20**}, configured to receive information through the input {**14**}, and configured to execute the camera, database, and image viewing software applications retrieved from the memory {**20**}, wherein the camera control software application is configured to enable a user to capture an image via the digital camera {**12**} through an option displayed via a camera menu on the user interface and, immediately and automatically after capturing the image, to present via the camera menu on the user interface a plurality of user selectable options including an option to add the captured image to a database that is accessible by the database software application {**page 5, lines 23-27**}, while remaining within the camera control software application {**page 6, lines 1-4**}, and including an option to invoke the image viewing software application to access the captured image, wherein the user selectable options are selectable by the user through corresponding ones of the soft keys {**page 4, lines 1-11**}, wherein the camera control

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software application provides for taking a picture and then assigning the picture from the camera menu instead of from a phonebook menu {**page 6, lines 6-10**}, wherein functionality of the camera menu is provided by the camera control software application and wherein functionality of the phonebook menu is provided by the database software application {**page 5, lines 11-16**}.

Claim 8 recites "The apparatus as in claim 31, wherein the database software application functions as at least a telephone book" {**page 5, lines 11-16**}.

Claim 9 recites "The apparatus as in claim 31, wherein each contacts entry has at least one alphanumeric text field for storing a telephone number" {**page 5, lines 14-16**}.

Claim 10 recites "The apparatus as in claim 9, operating as a telephone, wherein the processor is responsive to an incoming call to display an image from the image field of a contacts entry that has an alphanumeric text field corresponding to the telephone number originating the incoming call" {**page 7, lines 1-6**}.

Claim 11 recites "The apparatus as in claim 31, wherein the contacts entry can be selected by a user by scrolling the image fields of the database" {**page 6, lines 20-23**}.

Claim 13 recites "The apparatus as in claim 31, further comprising a temporary memory for temporarily storing a captured image" {**page 7, line 9**}.

Claim 14 recites "The apparatus as in claim 13, wherein the camera control software application is arranged to transfer the captured image from temporary storage in the temporary memory to permanent storage accessible by the viewing application" {**page 7, lines 18-20**}.

Claim 32 recites as follows:

> The apparatus as in claim 31, wherein, upon the user selecting the option to add the captured image to the database memory, the camera control software application is configured to present a

plurality of sub-options including a sub-option to create a new contacts entry in the database and a sub-option to modify an existing contacts entry in the database {**page 5, line 29, through page 7, line 20**}

Claim 33 recites as follows:

The apparatus as in claim 32, wherein upon the selection of one of the sub-option to create a new contacts entry and the sub-option to modify an existing contacts entry, adding the captured image to an image field of the selected one of the new contacts entry and the existing contacts entry {**page 5, line 29, through page 7, line 20**}

Claim 34 recites as follows: "The apparatus as in claim 33, wherein the database is modified from within the camera control software application" {**page 7, lines 22-23**}.

Claim 20 recites as follows:

A computer readable medium encoded with a computer program comprising: program instructions {**page 4, lines 13-17**} for controlling an electronic device, the electronic device having a digital camera and a user input device, which program instructions when loaded into a processor, provide: a database software application {**page 5, lines 11-16**}; a camera control software application {**page 6, lines 6-10**} that is separate from the database software application; and an image viewing software application {**page 4, lines 30-31**} that is separate from the camera control software application and the database software application, wherein the database software application provides a user interface that enables a user to access personal data organized as a plurality of contacts entries in a database {**page 5, lines 11-16**}, where each contacts entry is associated with a different person and has one or more alphanumeric text fields and an image field and wherein the camera control software application provides for taking a picture and then assigning the picture from a camera menu instead of from

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a phonebook menu {**page 5, lines 23-27**}, the camera control software application providing a user interface that enables the user to control the electronic device using the user input device for displaying the camera menu to capture an image via the digital camera {**page 5, lines 18-21**} and immediately and automatically presenting a user selectable option through the camera menu, on capturing an image, for entering the database software application while remaining in the camera menu and using the captured image as an image field of a contacts entry of the database {**page 6, lines 6-10**}, and presenting a user selectable option to access the captured image through the image viewing software application {**page 5, line 29, through page 6, line 18**}, wherein functionality of the camera menu is provided by the camera control software application {**page 5, lines 18-21**} and wherein functionality of the phonebook menu is provided by the database software application {**page 5, lines 11-16**}.

Claim 29 recites as follows:

A method comprising: for controlling an electronic device, the electronic device having a digital camera {**12**} and a user input device {**14**}, the method performing operations of: capturing an image via a digital camera {**12**} by a selection of an option presented via a camera menu displayed on a user interface provided by a camera control software application; immediately and automatically upon capturing the image {**page 5, lines 23-27**}, providing, through the camera control software application, a user-selectable option through the user interface for entering the captured image as an image field for a contacts entry maintained by a database software application and providing a user-selectable option through the user interface to cause a image viewing software application to access the captured image {**page 5, line 29, through page 7, line 20**}, wherein the camera control software

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application provides for taking a picture and then assigning the picture from the camera menu instead of from a phonebook menu {**page 6, lines 6-10**}; and upon selecting a user-selectable option via the camera menu for entering the captured image as an image field for the contacts entry {**page 5, lines 23-27**}, while remaining in the camera menu {**page 6, lines 1-4**}, causing the database software application to save the captured image in a database as an image field for the contacts entry, wherein functionality of the camera menu is provided by the camera control software application {**page 5, lines 18-21**} and wherein functionality of the phonebook menu is provided by the database software application {**page 5, lines 11-16**}.

Claim 30 recites as follows: "The method as in claim 29, wherein the database is modified from within the camera control software application" {**page 7, lines 22-23**}.

Claim 35 recites as follows:

A user interface, comprising: a display {**16**}; and an input comprising a plurality of soft keys {**14**}, and configured to enable a user to, in cooperation with a camera control software application {**page 6, lines 6-10**}, capture an image via a digital camera through an option displayed on a camera menu on the user interface and, immediately and automatically after capturing the image, to present a plurality of user selectable options through the camera menu including an option to add the captured image to a database that is accessible by a database software application {**page 5, lines 23-27**}, while remaining within the camera control software application {**page 6, lines 1-4**}, and comprising an option to invoke an image viewing software application to access the captured image, wherein the user selectable options are selectable by the user through corresponding ones of the plurality of soft keys {**page 4, lines 1-11**}, wherein the camera control software

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application provides for taking a picture and then assigning the picture from the camera menu instead of from a phonebook menu {**page 6, lines 6-10**}, wherein functionality of the camera menu is provided by the camera control software application {**page 5, lines 18-21**} and wherein functionality of the phonebook menu is provided by the database software application {**page 5, lines 11-16**}.

Claim 36 recites as follows:

> The user interface as in claim 35, wherein, upon the user selecting the option to add the captured image to the database memory, displaying a plurality of sub-options including a sub-option to create a new contacts entry in the database and a sub-option to modify an existing contacts entry in the database {**page 5, line 29, through page 7, line 20**}.

Claim 37 recites as follows:

> The user interface as in claim 36, wherein upon the selection of one of the sub-option to create a new contacts entry and the sub-option to modify an existing contacts entry, adding the captured image to an image field of the selected one of the new contacts entry and the existing contacts entry {**page 5, line 29, through page 7, line 20**}.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I.   Whether the Patent Office properly rejected Claims 8-11, 13, 14, 20, and 29-37 under 35 U.S.C. § 103(a) as being unpatentable over Nokia, Nokia User's Guide, Issue 4EN, in view of LG, LG VX6000 Manual?

(6)   ARGUMENT

ISSUE I

Did the Patent Office properly reject Claims 8-11, 13, 14, 20, and 29-37 under 35 U.S.C. § 103(a) as being unpatentable over Nokia, Nokia User's Guide, Issue 4EN, in view of LG, LG VX6000 Manual?

Response to Arguments

The purported combination of Nokia 7650 User's Guide, Issue 4EN, and LG, LGVX6000 Manual would not result in Appellant's exemplary embodiments of the claimed invention. LG is an image viewing application ("Gallery"). One of ordinary skill in the art would not look to an image viewing application to arrive at the claimed solution of immediately assigning pictures from a camera control application.

An alleged combination of Issue 4EN and LG would fail to disclose or make obvious the following claimed feature: "wherein the camera control software application provides for taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu."

Please note that this claimed subject matter does not merely recite performing an action from a camera menu; but, relates to "the camera control software application provides for" performing an action "from a camera menu."

The Patent Office admitted on page 4 of the December 7, 2009 Final Office Action as follows: "Nokia does not explicitly teach wherein the camera control application provides for taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu."

The Patent Office asserted that LG provides a remedy for the admitted deficiency of Nokia as follows: "LG teaches wherein the camera control application provides for taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu (see page 51, "Set as ...Contacts")."

However, the Patent Office neglects that the listed items toward the end of page 51 in LG are not items of the Camera menu, but items of the Gallery menu. This is easily confirmed by viewing the lower image on page 50, where "Gallery" appears as the second listed item in the Camera menu. It is even more illustrative to look at the **upper** image on page 50 in LG, where the figurative icon representing the Gallery application is **a phone book**! The Gallery functionality relates much more to a phonebook application in LG than it does to a camera control application.

No camera control software application produces the menus in LG. Menus of this kind are produced and displayed by a general user interface part of the operating system by the phone and constitute an organized list of displayable command alternatives that may in practice point at significantly different pieces of executable code. The only portion of LG that actually refers to a camera control software application is the list of options at the end of page 50.

There is no disclosure in LG that selecting first a menu item "Gallery" and thereafter "Set As... Contacts" would result in the execution of a feature of a camera control application. Quite to the contrary, it is very well known that items in menus can be used to trigger the execution of very different applications such that the mere existence of two options in proximity within a menu structure does not provide an indication as to the kinds of executable applications these options relate to.

Based on the teachings of LG, the executable application taking care of the operations invoked by selecting a "Gallery" submenu or the "Camera" menu may not be distinct from the executable application invoked by selecting "Camera" from a higher level menu or from the executable application controlling the "Camera" menu. Consequently, it is clear that LG does not teach, e.g., " a database software application," "a camera control software application that is separate from the database software application," or " an image viewing software application that is separate from the camera

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control software application" since it does not disclose any information on software application level in this respect.

The disclosed menu structure and layman level explanations provided in LG would teach one of ordinary skill in the art that if a user selects "Gallery" in the Camera menu while a camera control application were active, the processor would put the camera control application on hold (i.e., pauses its execution) and move on to launch the image viewing application, the processes of which are listed in the Gallery menu on page 51. Even if a phone were to offer a shortcut to resuming camera control (e.g., see "Press Left Soft Key Camera to take a photo" at the top of page 52), the image viewing application would not also be a camera control application. It only means that there is a simple and effective press-just-one-key command available that closes the image viewing application and causes the paused camera control application to be resumed.

Appellant specifically wishes to emphasize the vastly different level of technical skill involved for one of ordinary skill in the art to practice the currently pending claimed invention <u>compared to the level of skill involved in operating the VX6000 cellular phone in accordance with the simple, general illustrations disclosed by LG</u>. Applicant's exemplary embodiments of the claimed invention describe a camera control application (i.e., a well-defined piece of executable software) that involves a particular function (e.g., assigning a photo directly, without having to invoke another – phonebook – application). The LG reference discloses that the user sees menus, and by selecting menu items, the user observes the phone perform an action corresponding to the selected menu items. The illustrations (e.g., the menu features disclosed by LG) and text of LG do not provide a teaching of software applications that when executed by the processor of the LG phone. The "level of skill" is an important issue. It is clear that the level of technical skill involved with the disclosure of LG is not pertinent to features from Appellant's exemplary embodiments of the claimed invention regarding software application level functionality.

The purported combination of Issue 4EN and LG would also fail to disclose the claimed invention:

> the camera control software application providing a user interface that enables the user to control the electronic device using the user input device for ... **immediately and automatically presenting a user selectable option through the camera menu, on capturing an image**, for entering the database software application while remaining in the camera menu **and using the captured image as an image field of a contacts entry** ...

In rejecting this feature as unpatentable, the Patent Office has asserted as a general principle that subject matter previously performed by hand that is automated by machine is not patentable. The logic behind the application of *in re Venner* fails in the present case because the manual operation that was previously known did not obey the same principle as the new, automated operation that is expressed in Applicant's exemplary embodiments of the claimed invention.

Prior art solutions, the "manual" solutions, in comparison to the "automatic" solution of Applicant's exemplary embodiments of the claimed invention did not consider that assigning a picture could take place from a camera control application. In the prior art "manual" solutions, such as in LG, if the user wanted to assign a photo to a database entry, he had to first go to the Gallery application and scroll to the desired photo, and then initiate associating the selected picture with the desired database entry. All this would done under the control of the Gallery and phonebook applications.

As an illustration, in an early prior art solution, a user would take a picture with a film camera, develop the picture, and mount it in a photo album. If the user then wanted to attach a picture to an index card in his register files, he would have to open the photo album, then find the appropriate picture, detach the picture from the photo album, and close the photo album. Then, with the detached picture in hand, the user would have to open a register file, find the appropriate index card, and adhere the picture in place.

With the exception that a digital picture can exist simultaneously in several copies or be represented by a pointer, prior art solutions, such as found in LG, do exactly the

same electronically as had been done manually. For example, the phase of "detaching the picture from the photo album" is replaced by making a clipboard copy of the selected picture in the Gallery or by storing a pointer to the original photo in the Gallery. By pressing "Set As... Contacts" the Gallery application was put on hold (i.e., "the photo album was closed"), the phonebook application was started (i.e., "the register file was opened"), the appropriate database entry was found, and the clipboard copy of or pointer to the picture was stored as a part of the modified database entry.

Appellant's exemplary embodiments of the claimed invention represent a novel approach based on the insight that in many cases the user will take a picture for the sole purpose of associating it with a database entry, without having to separately store it in a photo album or Gallery first. A feature of the camera control software application offers the direct, immediate, and automatic option of associating a newly taken picture with a database entry. A similar operation was not previously done by hand at all. Appellant's exemplary embodiments of the claimed invention represent a new technique for utilizing the possibilities derived from electronic filing handling, something not offered by manual file handling or manual picture taking.

Talin's "A Summary of Principles for User-Interface Design," section 6, was cited by the Patent Office in the December 7, 2009 Final Office Action as evidence that "providing shortcuts for commonly-used features is a well-known technique in user interface design." Shortcuts can be created, but only for cases in which it is relatively easy for a user's next action. Although a user who opens a Gallery application might do so for entertainment or self-edification in scrolling through the pictures, the user may also want to assign a photo to a database entry. The suggested way of building a shortcut could be applied to the previously known, manual process of prior art so that whenever a particular photo is in view in the Gallery, pressing a particular single key might directly invoke the "Set As ... Contacts" function, instead of first having to press the Options softkey that would then display the list of possible actions shown at the bottom of page 51 in LG. However, the Patent Office suggests building a shortcut to the camera control software application for assigning photos directly from the camera control software

application – a feature of Appellant's exemplary embodiments of the claimed invention. Appellant's invention is not just a shortcut for implementing a prior art process with fewer keystrokes, it is also a novel and inventive new process that is performed differently from those processes practiced by prior art designers.

Rejection of Claims 8-11, 13, 14, 20, and 29-37 by Nokia Issue EN in view of LG VX6000 Manual

The Patent Office rejected claims 8-11, 13, 14, 20, and 29-37 under 35 U.S.C. 103(a) as being unpatentable over Nokia 7650 User's Guide, Issue 4EN, in view of LG, LGVX6000 Manual.

Claims 20, 29, 31, and 35 are independent claims. Claim 20 recites as follows:

> A computer readable medium encoded with a computer program comprising: program instructions for controlling an electronic device, the electronic device having a digital camera and a user input device, which program instructions when loaded into a processor, provide: a database software application; a camera control software application that is separate from the database software application; and an image viewing software application that is separate from the camera control software application and the database software application, wherein the database software application provides a user interface that enables a user to access personal data organized as a plurality of contacts entries in a database, where each contacts entry is associated with a different person and has one or more alphanumeric text fields and an image field and **wherein the camera control software application provides for taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu,** the camera control software application providing a user interface that enables the user to control the electronic device using the user input device for displaying the camera menu to capture an image via the digital camera and **immediately and automatically presenting a user selectable option through the camera menu, on capturing an image, for entering the database software application while remaining in the camera menu** and using the captured image as an image field of a contacts entry of the database, and presenting a user selectable option to access the captured image through the image viewing software application, wherein functionality of the camera menu is provided by the camera control software application and wherein functionality of

the phonebook menu is provided by the database software application.

Claims 29, 31, and 35 recite subject matter similar to that recited by claim 20.

Page 50 of Issue 4EN discloses that "pictures are automatically saved in the Images application, where you can rename them and organise them in folders." The left margin of page 50 shows that options available before taking a picture are capture, go to images, settings, and exit. Page 51 discloses "the photos are saved automatically in the Images application." The right margin of page 51 shows that options after a picture has been taken are new image, send, rename image, go to images, settings, and exit. Page 53 of Issue 4EN discloses "images allows you to view, organise, delete, and send photos and pictures stored in your phone." Issue 4EN does not disclose or suggest "taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu."

The Patent Office asserted on page 3, line 16, through page 4, line 6, of the December 7, 2009 Final Office Action, as follows:

> the camera control software application providing a user interface that enables the user to control the electronic device using the user input device for displaying the camera menu to capture an image via the digital camera (see page 50, "Camera") and automatically presenting a user selectable option, on capturing an image, for entering the database software application and using the captured image, for entering the database software application and using the capture image as an image field of a contacts entry of the database (see page 51, "Portrait […] can be added to a contact card" and see pages 43-44 "Inserting a picture to a contact card"), and presenting a user selectable option to access the captured image through the image viewing software application (see page 44, "Options when viewing a contact card"), wherein functionality of the camera menu is provided by the camera control software application (see page 50, "Menu -> Camera") and wherein functionality of the phonebook menu is provided by the database software application (see page 42, "Menu -> Contacts").

As to page 51, Issue 4EN discloses camera modes including "portrait when you want to take a smaller icon-sized, vertical picture, which can be added to a contact card." This relied upon disclosure from Issue 4EN fails to teach or suggest the camera control

software application "**immediately and** automatically presents a user selectable option, on capturing an image, for entering the database software application and using the captured image as an image field of a contacts entry of the database." As noted above, and as applied here with respect to page 51, Issue 4EN does not disclose or suggest "taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu."

The Patent Office has not properly considered that the items listed toward the end of page 51 in LG are not items of the Camera menu, but items of the Gallery menu. That the items listed are not items of the Camera menu is evident by viewing the lower image on page 50, where "Gallery" appears as the second listed item in the Camera menu. It is especially not that, at the **upper** image on page 50 in LG, the figurative icon representing the Gallery application is **a phone book**! The Gallery functionality in LG resembles a phonebook application more than a camera control application.

It is clear that no camera control software application produces the menus in LG. Menus of the kind disclosed by LG are produced and displayed by a general user interface part of the phone and constitute an organized list of displayable command alternatives that may in practice point to significantly different pieces of executable code. The only portion of LG that refers to a camera control software application is the list of options at the end of page 50.

LG fails to adequately describe to one of ordinary skill in the art the kinds of applications the processor the phone would execute in response to the user selecting various menu items. There is no disclosure in LG that first selecting a menu item "Gallery" and thereafter "Set As... Contacts" would result in the execution of a feature of a camera control application. It is well known that items in menus can be used to trigger the execution of very different applications. The mere existence of two options in proximity within a menu structure does not provide an indication as to the kinds of executable applications these menu options relate to.

The disclosed menu structure and layman level explanations of LG would teach one of ordinary skill in the art that if a user selects "Gallery" in the Camera menu while a camera control application is active, the processor would put the camera control application on hold (i.e., pause its execution) and launch the image viewing application independently of the camera control application. The Gallery menu on page 51 discloses this processing. Even if a phone were to offer a shortcut to resuming camera control (e.g., see "Press Left Soft Key Camera to take a photo" at the top of page 52), the image viewing application would be distinct from a camera control application. **LG only discloses a simple and effective press-just-one-key command available that closes the image viewing application and causes the paused camera control application to be resumed.**

Re-Addressing Points with respect to December 7, 2009 Final Office Action

Appellant wishes to re-address certain points with respect to the Final Office Action dated December 7, 2009.

First, the Patent Office has refused to assign patentable weight to the word "immediately" in the claimed subject matter of "immediately and automatically presenting a user selectable option through the camera menu, on capturing an image, for entering the database software application while remaining in the camera menu."

The Patent Office asserted on pages 4-5 of the December 7, 2009 Final Office Action as follows:

> Nokia, as modified, still does not explicitly teach "immediately" presenting an option to use the captured image as an image field of a contacts entry of the database.
>
> However, it would have been obvious to one of ordinary skill in the relevant art at the time the invention was made to have further modified Nokia to immediately present such an option upon capturing an image because it would merely provide an automatic means to replace a manual activity which accomplished the same result (see MPEP 2144.04.III and In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)). Furthermore, providing shortcuts for commonly-used features is a well-known technique in

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user interface design (for evidence, see section 6 of "A Summary of Principles for User-Interface Design").

Section 6 of Talin's "A Summary of Principles for User-Interface Design" discloses examples of shortcuts such as commands invoked by name, menu bar, modified keystroke combination, keystroke, or macros. The relevance of the disclosure of section 6 to the claimed subject matter of "immediately and automatically presenting a user selectable option through the camera menu, on capturing an image, for entering the database software application while remaining in the camera menu" is not understood.

From Manual of Patent Examining Procedure section 2144.04, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).

In Appellant's exemplary embodiment of the claimed invention, "immediately and automatically presenting a user selectable option through the camera menu, on capturing an image, for entering the database software application while remaining in the camera menu" is not "an automatic or mechanical means to replace a manual activity" but represents a rearrangement of processing steps.

Appellant has disclosed in his Background of the Invention section, the state of the art and a problem with that art, as follows:

> Digital cameras are now commonly used with mobile cellular telephones, personal digital assistants and personal computers. The digital camera may be connected to or integrated with such devices.
>
> Typically when a picture is taken and an image captured by the camera, the image is by default automatically stored in a picture

folder with other stored images. A viewer application can be used to view the images e.g. as a photo album.

These devices also typically have database applications that allow the organisation of personal data such as contact details. It would be desirable to take advantage of the presence of a digital camera to improve the usability of such database applications. The database application could include a plurality of entries, where each entry has not only one or more alphanumeric text fields but also one or more image fields. The database application may, as an example, be `Contacts` with a database entry having alphanumeric text fields for the Name, Address, telephone number, email address etc. of a person and an image field, for displaying a picture of that person.

It would be desirable to enable a user to easily use a captured image as an image field of an entry of the database.

Appellant respectfully submits that it would not have been obvious to one of ordinary skill in the art to "immediately" present a user-selectable option "through the camera menu, on capturing an image, for entering the database software application while remaining in the camera menu."

Appellant has disclosed immediately presenting a user-selectable option in the following two passages.

Column 5, lines 23-27, of Appellant's application discloses as follows:

After selecting `Capture` and capturing an image, the image is by default automatically stored in the image memory 28 for access using the image viewing application (Gallery). The camera control application immediately presents the following user-selectable options on capturing an image: `new image`, `add to phonebook`, `delete`, `send`, `rename image`, `go to gallery`, `settings`, `help` and `exit`.

Column 6, lines 6-10, of Appellant's application discloses as follows:

The camera control application therefore immediately presents a plurality of user selectable options, on capturing an image, including an option for using the captured image as an image field of an entry of the database (the `add to phonebook` option). The

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presentation is immediate in the sense that it is automatic (it does not require further user action) and fast (without a significant delay).

As to the meaning of "immediately," Appellant asserts that this term is clear and adequately described, especially in the second passage above where it is discloses that "the presentation is immediate in the sense that it is automatic (it does not require further user action) and fast (without a significant delay)." The ordinary dictionary definition of immediately is "without delay," "with no intermediary; directly," and "as soon as."

Appellant does not agree that it would have been obvious to provide for this feature in light of Issue 4EN.

Page 50 of Issue 4EN shows a camera viewer with the word options in the lower left corner. The caption of the picture indicates options before taking a picture include capture, go to images, settings, and exit. In the right margin of page 51 of Issue 4EN, it is stated that options after taking a picture include new image, send, rename image, go to images, settings, and exit.

Furthermore, **regarding *"immediately and automatically"*, unlike argued by the Patent Office, Appellant's exemplary embodiments of the claimed invention do more than replace the steps of known manual activity with an automatic means that accomplishes the same result.**

On pages 9 to 10 of the final rejection of December 07, 2009, the Patent Office alleged that Appellant's exemplary embodiments of the claimed invention relate to method steps of a manual activity that is automatically performed. However, as argued in detail on pages 10 to 12 (and on pages 20 to 22) of the response to the final rejection of December 07, 2009, **Appellant's exemplary embodiments of the claimed invention do perform a similar task in a different manner than the previously known manual method. Appellant further notes that the Advisory Action dated 29 March, 2010 was silent on this issue.**

The Patent Office seems to have taken the position that Appellant's exemplary embodiments of the claimed invention could be seen as "automation of the process," resulting in a reduced number of processing steps the user needs to manually initiate. However, in the device user's perspective, the process according to the Appellant's exemplary embodiments of the claimed invention is completely different by not involving all the processing steps of the known manual process but rather involving (among other things) a new and non-obvious camera control software application design that directly enables associating a picture with a database entry by the camera control software application.

Second, Appellant's exemplary embodiments of the claimed invention is directed to "taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu," which, as understood by Appellant, has not been done in the prior art, including Issue 4EN. This claimed feature runs counter to the process of taking a picture, storing the picture, exiting a camera mode and accessing a phonebook, and then assigning the picture to a contact available from the prior art to one of ordinary skill in the art.

In pages 50-57 of Issue 4EN, the camera mode is discussed first and the images mode is discussed thereafter. On page 51 of Issue 4EN, in the right hand margin, an option after picture taking is "go to images." Presumably, one leaves camera mode and enters image mode upon selection of "go to images" in the camera mode. There is no disclosure in pages 50-57 of Issue 4EN of **"taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu."**

The Patent Office on page 4, lines 8-9, of the December 7, 2009 Final Office Action acknowledged that Issue 4EN does not disclose "taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu" in asserting as follows:

> Nokia does not explicitly teach wherein the camera control application provides for taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu.

The Patent Office asserted that LG remedies the acknowledged deficiency of Issue 4EN by asserting:

> However, LG teaches wherein the camera control application provides for taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu (see page 51, "Set as… Contacts").

Regarding "... *wherein the camera control software application provides for taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu...*", unlike argued by the Patent Office, Appellant's exemplary embodiments of the claimed invention describe technical aspects that are not addressed by the information provided in (a user manual such as) the LG reference. That is, the LG reference fails to teach aspects of the invention. In particular, the LG reference does not teach the camera control software application providing for taking a picture and then assigning the picture.

This has been argued in detail on pages 14 to 15 of the response to the final rejection of December 07, 2009. Instead of considering Appellant's arguments, the advisory action of 29 March, 2010 automatically repeated the argument that the "Gallery" menu of the LG reference being a submenu of the "Camera" menu teaches this aspect of Appellant's exemplary embodiments of the claimed invention.

However, **this argument by the Patent Office fails to acknowledge that selecting items from a menu (or from a menu and its submenu) is not the same as software applications being invoked by selecting respective menu items.**

LG fails to disclose or suggest that a camera control software application would provide (the) menus. By an imaginatively, overly broad reading of the claim term "*camera control software application*" so as to include a menu that is used for controlling a camera, one of ordinary skill in the art would still understand that a menu as such cannot be considered as an application, but as an element of a user interface provided by a certain application – which in the case of the LG reference remains unidentified.

Issue 4EN teaches how to capture an image. Issue 4EN does not teach having an option for setting the image as a detail to a contact in phone book. [Issue 4EN, page 50] According to Issue 4EN, it is only possible to add an image if the user is in the contacts application, not from the camera application right after taking the image [Issue 4EN, page 42]. Issue 4EN teaches only how to save an image and how to send it [Issue 4EN, page 53], but fails to teach attaching the picture to a contact. So, Issue 4EN discloses only how to take an image and then send it and how to attach an image to a contact when the user is using the contacts application. Issue 4EN fails to teach how to take a picture and while in the camera application, to be able to assign the picture to a contact without actually launching the contacts application.

LG on page 51 teaches how to assign the picture to a contact after the user has opened the image gallery. On page 51, LG explicitly states, under the Gallery (Menu) heading, that the gallery "allows you to view photos that are stored in the phone." In step 1, from the gallery menu a user may select camera. In step 2, the user may then select gallery. In step 3, the list in the gallery may be used. In step 4, a user may select from several options including "send," "online album," "set as …contacts," "enlarge," "lock," and "rename."

In Appellant's disclosure, it is not needed to open the gallery at all. [Appellant's disclosure, page 5, lines 18-27]. Furthermore, LG, as well as Issue 4EN, fail to disclose or suggest "presenting a user selectable option **through the camera menu**, on capturing an image, for entering the database software application **while remaining in the camera menu**." Even if step 1 relates to a camera menu selection, there is no disclosure on page 51 of LG of "presenting a user selectable option through the camera menu, on capturing an image" because LG explicitly states, under the Gallery (Menu) heading, that the gallery "allows you to view photos that are stored in the phone."

As neither LG nor Issue 4EN disclose or suggest this claimed subject matter, any purported combination of these references would fail to make obvious "presenting a user selectable option **through the camera menu**, on capturing an image, for entering the database software application **while remaining in the camera menu**."

Appellant specifically wishes to emphasize the vastly different level of technical skill involved for one of ordinary skill in the art to practice Appellant's exemplary embodiments of the claimed invention than the level of skill involved in operating the VX6000 cellular phone in accordance with the basic level illustrations disclosed by LG. The currently pending claims explain in detail that a camera control application (i.e., a well-defined piece of executable software) that involves a particular function (e.g., assigning a photo directly, without having to invoke another – phonebook – application). The LG reference discloses that the user sees some menus, and by selecting some menu items, the user observes that the phone hopefully will perform an action corresponding to the selected menu items. The Patent Office cannot divine a disclosure of software applications that when executed by the processor of the LG phone simply by looking at the menu features disclosed by LG.

March 29, 2010 Advisory Action

Regarding the Patent Office's argument/remark in the Advisory Action of March 29, 2010 with respect to Appellant's earlier argument that the LG reference is deficient because it fails to provide technical details of the kinds of applications on the phone, Appellant disagrees. The Patent Office argues that since Appellant's exemplary embodiments of the claimed invention are generally directed to user interface improvements in cell phones and the LG reference provides a description of capabilities from a user interface perspective, it is not necessary to teach implementation details of the cell phones to teach the claimed matter.

Appellant disagrees with the Patent Office in this regard at least in two aspects. **Firstly, the statement that Appellant's exemplary embodiments of the claimed invention are merely directed to user interface improvements is an oversimplification of the merits of the invention.** In the enduser perspective, the benefits of Appellant's exemplary embodiments of the claimed invention, for example avoiding switching between applications and/or reducing the number of applications running simultaneously at a device (e.g. when adding a picture to the database under the control of the camera control software application, as recited in the currently pending

independent claims) are technical benefits, such as, e.g., facilitating simpler/more effective system design and/or reduced power consumption of a device. Although advantages like these may not be visible to a user based on using the device or looking at a user manual of a device (such as the LG reference), such advantages are surely evident to one of ordinary skill in the art. **Secondly, the Appellant's exemplary embodiments of the claimed invention clearly go beyond the "user interface perspective" by reciting in the independent claims that, e.g., the operation of adding a picture to the database is controlled by the camera control software application.** Therefore, unlike the examiner's arguments, it would indeed be necessary for LG to teach implementation details of the cell phones to read on the claimed matter of Appellant's exemplary embodiments of the claimed invention, e.g., with respect to operations being controlled by a certain software application – which the LG reference clearly fails to do.

The purported combination of Issue 4EN and LG would also fail to disclose Appellant's exemplary embodiments of the claimed invention:

> the camera control software application providing a user interface that enables the user to control the electronic device using the user input device for ... **immediately and automatically presenting a user selectable option through the camera menu, on capturing an image**, for entering the database software application while remaining in the camera menu **and using the captured image as an image field of a contacts entry** ...

In rejecting this feature as unpatentable, the Patent Office has asserted as a general principle that subject matter previously performed by hand that is automated by machine is not patentable. The logic behind the application of *in re Venner* fails in the present case because the manual operation that was previously known did not obey the same principle as the new, automated operation that is expressed in the claims.

Prior art solutions, which may be considered "manual" solutions in comparison to the claimed "automatic" solution, never considered that assigning a picture could take place from a camera control application. In the prior art "manual" solutions, such as in LG, if the user wanted to assign a photo to a database entry, he had to first go to the Gallery application and scroll to the desired photo, and then initiate

associating the selected picture with the desired database entry. All this was done exclusively under the control of the Gallery and phonebook applications.

As an illustration, prior art solutions are compared to a hypothetical and manual solution where a user would take a picture with a film camera, develop the picture, and mount it in a photo album. If the user then wanted to attach a picture to an index card in his register files, he had to first open the photo album, then find the appropriate picture, detach the picture from the photo album, and close the photo album. Then, with the detached picture in hand, the user would then have to open a register file, find the appropriate index card, and adhere the picture in place.

Prior art solutions, such as found in LG, do exactly the same in electronic form, with the natural exception that since a digital picture can exist simultaneously in several copies or be represented by a pointer, the phase of "detaching the picture from the photo album" is replaced by making a clipboard copy of the selected picture in the Gallery or by storing a pointer to the original photo in the Gallery. Then, by pressing "Set As... Contacts" the Gallery application was put on hold (i.e., "the photo album was closed"), the phonebook application was started (i.e., "the register file was opened"), the appropriate database entry was found, and the clipboard copy of or pointer to the picture was stored as a part of the modified database entry.

Appellant's exemplary embodiments of the claimed invention represent a new way of thinking based on the insight that in many cases the user will take a picture for the sole purpose of associating it with a database entry, without having to separately store it in a photo album or Gallery first. Indeed, already the camera control software application has been built with a feature that offers the direct, immediate, and automatic option of associating the newest taken picture with a database entry. This is not just having a machine do what was previously done by hand, because a similar operation was not previously done by hand at all. **Appellant's exemplary embodiments of the claimed invention represent a new technique for utilizing the**

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possibilities derived from electronic filing handling, something not offered by manual file handling or manual picture taking.

Thus, claim 20 is not made obvious by Issue 4EN in view of LG.

Aside from claim 20, the only other independent claims are claims 29, 31, and 35.

Claim 29 recites as follows:

> A method comprising: for controlling an electronic device, the electronic device having a digital camera and a user input device, the method performing operations of: capturing an image via a digital camera by a selection of an option presented via a camera menu displayed on a user interface provided by a camera control software application; **immediately and automatically upon capturing the image, providing, through the camera control software application, a user-selectable option through the user interface for entering the captured image as an image field for a contacts entry maintained by a database software application and providing a user-selectable option through the user interface to cause a image viewing software application to access the captured image, wherein the camera control software application provides for taking a picture and then assigning the picture from the camera menu instead of from a phonebook menu;** and **upon selecting a user-selectable option via the camera menu for entering the captured image as an image field for the contacts entry, while remaining in the camera menu, causing the database software application to save the captured image in a database as an image field for the contacts entry,** wherein functionality of the camera menu is provided by the camera control software application and wherein functionality of the phonebook menu is provided by the database software application.

Claim 31 recites as follows:

> An apparatus comprising: a camera control software application; a database software application; an image viewing software application; a digital camera; an input including soft keys; a memory configured to store the database, camera control software application, the database software application, and the image viewing software application; a display configured to provide a user interface; and a processor configured to control the digital camera and the display, configured to access the memory,

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configured to receive information through the input, and configured to execute the camera, database, and image viewing software applications retrieved from the memory, wherein the camera control software application is configured to enable a user to capture an image via the digital camera through an option displayed via a camera menu on the user interface and, **immediately and automatically after capturing the image, to present via the camera menu on the user interface a plurality of user selectable options including an option to add the captured image to a database that is accessible by the database software application, while remaining within the camera control software application,** and including an option to invoke the image viewing software application to access the captured image, wherein the user selectable options are selectable by the user through corresponding ones of the soft keys, **wherein the camera control software application provides for taking a picture and then assigning the picture from the camera menu instead of from a phonebook menu,** wherein functionality of the camera menu is provided by the camera control software application and wherein functionality of the phonebook menu is provided by the database software application.

Claim 35 recites as follows:

A user interface, comprising: a display; and an input comprising a plurality of soft keys, and configured to enable a user to, in cooperation with a camera control software application, capture an image via a digital camera through an option displayed on a camera menu on the user interface and, **immediately and automatically after capturing the image, to present a plurality of user selectable options through the camera menu including an option to add the captured image to a database that is accessible by a database software application, while remaining within the camera control software application,** and comprising an option to invoke an image viewing software application to access the captured image, wherein the user selectable options are selectable by the user through corresponding ones of the plurality of soft keys, **wherein the camera control software application provides for taking a picture and then assigning the picture from the camera menu instead of from a phonebook menu,** wherein functionality of the camera menu is provided by the camera control software application and wherein functionality of the phonebook menu is provided by the database software application.

As claims 29, 31, and 35 recite subject matter similar to that recited by claim 20, these claims are allowable for similar reasons for the allowability of claim 20.

Because claims 8-11, 13, 14, 30, 32-34, 36, and 37 depend from allowable claims, these claims are allowable also.

Independent claims 20, 29, 31, and 35 are patentably distinct. Claim 20 relates to a computer readable medium. Claim 29 relates to a method. Claim 31 relates to an apparatus. Claim 35 relates to a user interface.

Claim 10

Claim 10 recites as follows: "The apparatus as in claim 9, operating as a telephone, wherein the processor is responsive to an incoming call to display an image from the image field of a contacts entry that has an alphanumeric text field corresponding to the telephone number originating the incoming call."

The Patent Office asserted as follows:

> As to claim 10, Nokia, as modified, teaches operating as a telephone, further wherein the processor is responsive to an incoming call to display an image from the image field of a contacts database entry that has an alphanumeric text field corresponding to the telephone number originating the incoming call (see page 19, Fig. 3)

Figure 3 of Nokia shows an image during a call. The text in the middle of page 19 relates to an outgoing call, not an incoming call. Nokia does not teach "wherein the processor is responsive to an incoming call to display an image from the image field of a contacts entry that has an alphanumeric text field corresponding to the telephone number originating the incoming call."

Thus, claim 10 is allowable for this additional reason.

Claim 14

Claim 14 recites as follows: "The apparatus as in claim 13, wherein the camera control software application is arranged to transfer the captured image from temporary storage in the temporary memory to permanent storage accessible by the viewing application."

The Patent Office relied on page 51 of Nokia in rejecting the subject matter of claim 14. Page 51 of Nokia does not teach or suggest that the camera control software application is arranged to transfer the captured image from temporary storage in the temporary memory to permanent storage accessible by the viewing application. That the option exists to delete the image does not mean that there is a transfer from a temporary storage to a permanent storage. Conceivably, deletion could involve setting a bit field to delete mode for the storage location of the image which would therefore not involve a transfer at all.

Thus, claim 14 is allowable for this additional reason.

Claim 30

Claim 30 recites as follows: "The method as in claim 29, wherein the database is modified from within the camera control software application."

As discussed above, neither Nokia nor LG teaches or suggests "the database is modified from within the camera control software application."

Thus, claim 30 is allowable over the combination of Nokia and LG for this additional reason.

Claim 32

Claim 32 recites as follows:

The apparatus as in claim 31, wherein, upon the user selecting the option to add the captured image to the database memory, the camera control software application is configured to present a plurality of sub-options including a sub-option to create a new contacts entry in the database and a sub-option to modify an existing contacts entry in the database.

Page 42 of Nokia discloses opening contacts such that an empty contact card opens and copy to contacts to copy a phone, etc. from contacts to the SIM card. This disclosure does not consider the condition precedent of "upon the user selecting the option to add the captured image to the database memory" where as a consequence "a plurality of sub-options" are presented.

Likewise, Page 43 of Nokia discloses editing contact cards, by scrolling to the desired contact card. This disclosure does not consider the condition precedent of "upon the user selecting the option to add the captured image to the database memory" where as a consequence "a plurality of sub-options" are presented.

Thus, claims 32-34 are new and non-obvious with respect to Nokia and LG for this additional reason.

Claim 34

Claim 34 recites as follows: "34. The apparatus as in claim 33, wherein the database is modified from within the camera control software application."

As discussed above, neither Nokia nor LG teaches or suggests "the database is modified from within the camera control software application."

Thus, claim 34 is allowable over the combination of Nokia and LG for this additional reason.

The Patent Office is respectfully requested to reconsider and withdraw the rejections of the claims 8-11, 13, 14, 20, and 29-37 under 35 U.S.C. 103(a) based on Nokia 7650 User's Guide, Issue 4EN, in view of LG, and to allow all of the pending claims 8-11, 13, 14, 20, and 29-37 as now presented for examination. An early notification of the allowability of claims 8-11, 13, 14, 20, and 29-37 is earnestly solicited.
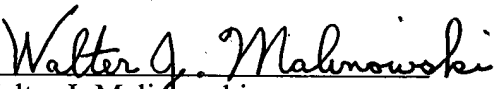
CONCLUSION

For the above reasons, it is respectfully requested that in each of the rejections discussed herein under 35 U.S.C. § 103(a), the Patent Office has failed to meet the burden in establishing a prima facie basis for the rejections of Claims 8-11, 13, 14, 20, and 29-37. Accordingly, reversal of all outstanding rejections is earnestly solicited.

Respectfully submitted,

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6/3/2010

Date

(8)   CLAIMS APPENDIX

1. to 7. (Cancelled).

8. The apparatus as in claim 31, wherein the database software application functions as at least a telephone book.

9. The apparatus as in claim 31, wherein each contacts entry has at least one alphanumeric text field for storing a telephone number.

10. The apparatus as in claim 9, operating as a telephone, wherein the processor is responsive to an incoming call to display an image from the image field of a contacts entry that has an alphanumeric text field corresponding to the telephone number originating the incoming call.

11. The apparatus as in claim 31, wherein the contacts entry can be selected by a user by scrolling the image fields of the database.

12. (Cancelled).

13. The apparatus as in claim 31, further comprising a temporary memory for temporarily storing a captured image.

14. The apparatus as in claim 13, wherein the camera control software application is arranged to transfer the captured image from temporary storage in the temporary memory to permanent storage accessible by the viewing application.

15. to 19. (Canceled).

20. A computer readable medium encoded with a computer program comprising:

program instructions for controlling an electronic device, the electronic device having a digital camera and a user input device, which program instructions when loaded into a processor, provide:

a database software application;

a camera control software application that is separate from the database software application; and

an image viewing software application that is separate from the camera control software application and the database software application,

wherein the database software application provides a user interface that enables a user to access personal data organized as a plurality of contacts entries in a database, where each contacts entry is associated with a different person and has one or more alphanumeric text fields and an image field and wherein the camera control software application provides for taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu, the camera control software application providing a user interface that enables the user to control the electronic device using the user input device for displaying the camera menu to capture an image via the digital camera and immediately and automatically presenting a user selectable option through the camera menu, on capturing an image, for entering the database software application while remaining in the camera menu and using the captured image as an image field of a contacts entry of the database, and presenting a user selectable option to access the captured image through the image viewing software application, wherein functionality of the camera menu is provided by the camera control software application and wherein functionality of the phonebook menu is provided by the database software application.

21. to 28. (Canceled).

29. A method comprising:

for controlling an electronic device, the electronic device having a digital camera and a user input device, the method performing operations of:

capturing an image via a digital camera by a selection of an option presented via a camera menu displayed on a user interface provided by a camera control software application;

immediately and automatically upon capturing the image, providing, through the camera control software application, a user-selectable option through the user interface for entering the captured image as an image field for a contacts entry maintained by a database software application and providing a user-selectable option through the user interface to cause a image viewing software application to access the captured image, wherein the camera control software application provides for taking a picture and then assigning the picture from the camera menu instead of from a phonebook menu; and

upon selecting a user-selectable option via the camera menu for entering the captured image as an image field for the contacts entry, while remaining in the camera menu, causing the database software application to save the captured image in a database as an image field for the contacts entry, wherein functionality of the camera menu is provided by the camera control software application and wherein functionality of the phonebook menu is provided by the database software application.

30. The method as in claim 29, wherein the database is modified from within the camera control software application.

31. An apparatus comprising:

a camera control software application;

a database software application;

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an image viewing software application;

a digital camera;

an input including soft keys;

a memory configured to store the database, camera control software application, the database software application, and the image viewing software application;

a display configured to provide a user interface; and

a processor configured to control the digital camera and the display, configured to access the memory, configured to receive information through the input, and configured to execute the camera, database, and image viewing software applications retrieved from the memory,

wherein the camera control software application is configured to enable a user to capture an image via the digital camera through an option displayed via a camera menu on the user interface and, immediately and automatically after capturing the image, to present via the camera menu on the user interface a plurality of user selectable options including an option to add the captured image to a database that is accessible by the database software application, while remaining within the camera control software application, and including an option to invoke the image viewing software application to access the captured image, wherein the user selectable options are selectable by the user through corresponding ones of the soft keys, wherein the camera control software application provides for taking a picture and then assigning the picture from the camera menu instead of from a phonebook menu, wherein functionality of the camera menu is provided by the camera control software application and wherein functionality of the phonebook menu is provided by the database software application.

32. The apparatus as in claim 31, wherein, upon the user selecting the option to add the captured image to the database memory, the camera control software application is configured to present a plurality of sub-options including a sub-option to create a new contacts entry in the database and a sub-option to modify an existing contacts entry in the database.

33. The apparatus as in claim 32, wherein upon the selection of one of the sub-option to create a new contacts entry and the sub-option to modify an existing contacts entry, adding the captured image to an image field of the selected one of the new contacts entry and the existing contacts entry.

34. The apparatus as in claim 33, wherein the database is modified from within the camera control software application.

35. A user interface, comprising:

a display; and

an input comprising a plurality of soft keys, and

configured to enable a user to, in cooperation with a camera control software application, capture an image via a digital camera through an option displayed on a camera menu on the user interface and, immediately and automatically after capturing the image, to present a plurality of user selectable options through the camera menu including an option to add the captured image to a database that is accessible by a database software application, while remaining within the camera control software application, and comprising an option to invoke an image viewing software application to access the captured image, wherein the user selectable options are selectable by the user through corresponding ones of the plurality of soft keys, wherein the camera control

software application provides for taking a picture and then assigning the picture from the camera menu instead of from a phonebook menu, wherein functionality of the camera menu is provided by the camera control software application and wherein functionality of the phonebook menu is provided by the database software application.

36. The user interface as in claim 35, wherein, upon the user selecting the option to add the captured image to the database memory, displaying a plurality of sub-options including a sub-option to create a new contacts entry in the database and a sub-option to modify an existing contacts entry in the database.

37. The user interface as in claim 36, wherein upon the selection of one of the sub-option to create a new contacts entry and the sub-option to modify an existing contacts entry, adding the captured image to an image field of the selected one of the new contacts entry and the existing contacts entry.

(9)   EVIDENCE APPENDIX

Appellant proffers no evidence.

(10) RELATED PROCEEDINGS APPENDIX

The undersigned attorney is not aware of any related appeals or interferences.